

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ELSMERE PARK CLUB, L.P.,
a Delaware limited partnership,

Plaintiff,

v.

TOWN OF ELSMERE, a Delaware
municipal corporation, ELLIS
BLOMQUIST, EUGENE BONEKER,
and JOHN GILES,

Defendants.

Civil Action No. 04-1321

JURY TRIAL DEMANDED

NOTICE OF DEPOSITIONS

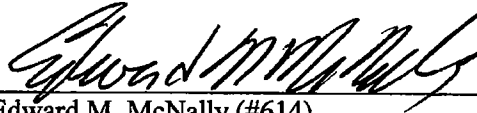
TO: David S. Eagle, Esquire
Klehr, Harrison, Harvey,
Branzburg & Ellers LLP
919 Market Street, Suite 1000
Wilmington, DE 19801-3062

PLEASE TAKE NOTICE that Defendants, Town of Elsmere, Ellis Blomquist, Eugene Boneker and John Giles, through their undersigned counsel, will, pursuant to Federal Rules of Civil Procedure 30 and 45, take the depositions upon oral examination of the following individuals at the offices of Morris, James, Hitchens & Williams LLP, 222 Delaware Avenue, 10th Floor, Wilmington, Delaware 19801, on the dates and times listed below or at any alternative times as the parties and counsel shall agree, and will continue day to day until completed:

Larry Johnson	September 14, 2005	10:00 a.m.
David Wilk	September 14, 2005	2:00 p.m.

The depositions will be transcribed by a certified court reporter. You are invited to attend and participate in accordance with law.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

A handwritten signature in black ink, appearing to read "Edward M. McNally", is written over a horizontal line.

Edward M. McNally (#614)

Linda Martin Gilchrist (#3973)

222 Delaware Avenue, 10th Floor

Wilmington, Delaware 19801

(302) 888-6800

emcnally@morrisjames.com

lgilchrist@morrisjames.com

Attorneys for Defendants Town of Elsmere,

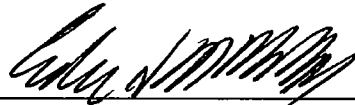
Ellis Blomquist and Eugene Boneker

Dated: September 8, 2005

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2005, I electronically filed the foregoing Notice of Depositions of Larry Johnson and David Wilk with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

David S. Eagle, Esquire
Klehr, Harrison, Harvey,
Branzburg & Ellers LLP
919 Market Street, Suite 1000
Wilmington, DE 19801
Attorneys for Plaintiff Elsmere Park Club, L.P.



Edward M. McNally (#614)
Linda Martin Gilchrist (#3973)
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801
(302) 888-6800
emcnally@morrisjames.com
lgilchrist@morrisjames.com
Attorneys for Defendant

Dated: September 8, 2005

Exhibit B

KLEHR, HARRISON, HARVEY, BRANZBURG & ELLERS LLP
ATTORNEYS AT LAW

DAVID S. EAGLE
Direct Dial: (302) 552-5508
DEAGLE@klehr.com

919 MARKET STREET
SUITE 1000
WILMINGTON, DELAWARE 19801-3062
(302) 426-1189
FAX (302) 426-9193
www.klehr.com

New Jersey Office
457 Haddonfield Road
Suite 510
Cherry Hill, New Jersey 08002-2220
(856) 486-7900
Philadelphia Office
260 South Broad Street
Philadelphia, Pennsylvania 19102-5003
(215) 568-6060

September 9, 2005

VIA HAND DELIVERY

Linda M. Gilchrist, Esquire
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801

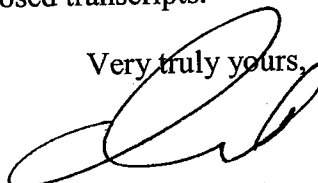
RE: Elsmere Park Club, L.P. v. Town of Elsmere, et al.
U.S. District Ct., District of Delaware, C.A. No. 04-cv-01321-SLR

Dear Linda:

I am writing to address some housekeeping matters:

1. David Wilk is available for a deposition on September 21 or 22 in the morning. Please advise.
2. Following up on my informal request at the time of the Leibowitz deposition, please produce a copy of the videotape referenced in paragraph 22 of the Town's Answer.
3. We are producing the two enclosed transcripts.

Very truly yours,



David S. Eagle

DSE:sma

Enclosures

Cc: Douglas F. Schleicher, Esq.
Edward M. McNally, Esq.

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELSMERE PARK CLUB, L.P.,
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Plaintiff,

v.

TOWN OF ELSMERE, a Delaware
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BLOMQUIST, EUGENE BONEKER,
and JOHN GILES,

Defendants.

Civil Action No. 04-1321

JURY TRIAL DEMANDED

RE-NOTICE OF DEPOSITION

TO: David S. Eagle, Esquire
Klehr, Harrison, Harvey,
Branzburg & Ellers LLP
919 Market Street, Suite 1000
Wilmington, DE 19801-3062

PLEASE TAKE NOTICE that Defendants, Town of Elsmere, Ellis Blomquist, Eugene Boneker and John Giles, through their undersigned counsel, will, pursuant to Federal Rules of Civil Procedure 30 and 45, take the deposition upon oral examination of the following individual at the offices of Morris, James, Hitchens & Williams LLP, 222 Delaware Avenue, 10th Floor, Wilmington, Delaware 19801, on the date and time listed below or at any alternative times as the parties and counsel shall agree, and will continue day to day until completed:

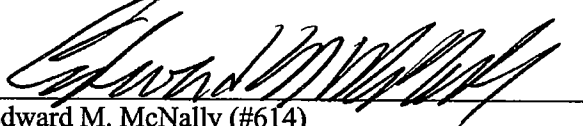
David Wilk

September 22, 2005

10:00 a.m.

The depositions will be transcribed by a certified court reporter. You are invited to attend and participate in accordance with law.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

A handwritten signature in black ink, appearing to read 'Edward M. McNally', is written over a horizontal line.

Edward M. McNally (#614)

Linda Martin Gilchrist (#3973)

222 Delaware Avenue, 10th Floor

Wilmington, Delaware 19801

(302) 888-6800

emcnally@morrisjames.com

lgilchrist@morrisjames.com

Attorneys for Defendants Town of Elsmere,

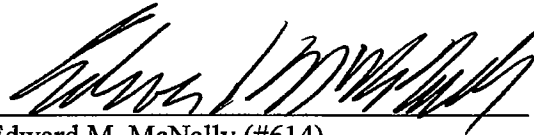
Ellis Blomquist and Eugene Boneker

Dated: September 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2005, I electronically filed the foregoing Re-Notice of Deposition of David Wilk with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

David S. Eagle, Esquire
Klehr, Harrison, Harvey,
Branzburg & Ellers LLP
919 Market Street, Suite 1000
Wilmington, DE 19801
Attorneys for Plaintiff Elsmere Park Club, L.P.



Edward M. McNally (#614)
Linda Martin Gilchrist (#3973)
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801
(302) 888-6800
emcnally@morrisjames.com
lgilchrist@morrisjames.com
Attorneys for Defendants Town of Elsmere,
Ellis Blomquist and Eugene Boneker

Dated: September 14, 2005

Exhibit D

McNally, Edward

From: David Eagle [DEAGLE@klehr.com]
Sent: Sunday, September 18, 2005 9:00 PM
To: McNally, Edward; Gilchrist, Linda Martin
Cc: Douglas Schleicher
Subject: David Wilk

He notified me over the weekend that he is unavailable on 9/22. He offered 9/29. Please advise.

Exhibit E

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ELSMERE PARK CLUB, L.P.,
a Delaware limited partnership,

Plaintiff,

v.

TOWN OF ELSMERE, a Delaware
municipal corporation, ELLIS
BLOMQUIST, EUGENE BONEKER,
and JOHN GILES,

Defendants.

Civil Action No. 04-1321

JURY TRIAL DEMANDED

RE-NOTICE OF DEPOSITION

TO: David S. Eagle, Esquire
Klehr, Harrison, Harvey,
Branzburg & Ellers LLP
919 Market Street, Suite 1000
Wilmington, DE 19801-3062

PLEASE TAKE NOTICE that Defendants, Town of Elsmere, Ellis Blomquist, Eugene Boneker and John Giles, through their undersigned counsel, will, pursuant to Federal Rules of Civil Procedure 30 and 45, take the deposition upon oral examination of the following individual at the offices of Morris, James, Hitchens & Williams LLP, 222 Delaware Avenue, 10th Floor, Wilmington, Delaware 19801, on the date and time listed below or at any alternative times as the parties and counsel shall agree, and will continue day to day until completed:

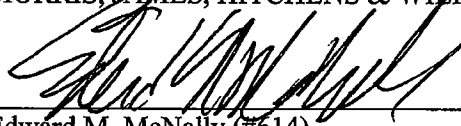
David Wilk

November 1, 2005

10:00 a.m.

The depositions will be transcribed by a certified court reporter. You are invited to attend and participate in accordance with law.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP



Edward M. McNally (#614)

Liza H. Sherman (#4124)

222 Delaware Avenue, 10th Floor

Wilmington, Delaware 19801

(302) 888-6800

emcnally@morrisjames.com

lsherman@morrisjames.com

Attorneys for Defendants Town of Elsmere,

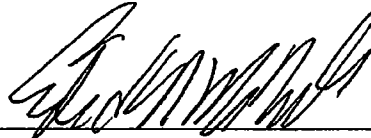
Ellis Blomquist and Eugene Boneker

Dated: October 25, 2005

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2005, I electronically filed the foregoing Re-Notice of Deposition of David Wilk with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

David S. Eagle, Esquire
Klehr, Harrison, Harvey,
Branzburg & Ellers LLP
919 Market Street, Suite 1000
Wilmington, DE 19801
Attorneys for Plaintiff Elsmere Park Club, L.P.



Edward M. McNally (#614)
Liza H. Sherman (#4124)
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801
(302) 888-6800
emcnally@morrisjames.com
lsheerman@morrisjames.com
Attorneys for Defendants Town of Elsmere,
Ellis Blomquist and Eugene Boneker

Dated: October 25, 2005

Exhibit F

Tosi, Liza

From: McNally, Edward
Sent: Monday, October 31, 2005 4:31 PM
To: 'David Eagle'
Subject: RE: Wilk Deposition

David: I disagree with your characterization of your voice message. Indeed, it is I who should be upset. After all, as the email I sent over the weekend to your partner confirms, it is I who worked over the weekend to prepare for the deposition. Moreover, despite your vague reference to "certain confidential issues", you have not even now provided any reason to back out.

Please explain to me how this case can possibly be tried in January. In effect the plaintiff has no damages proof now. More importantly there are several motions the the Court will need to decide. it is not fair to me or my colleagues or to the Court to proceed this way.

-----Original Message-----

From: David Eagle [mailto:deagle@klehr.com]
Sent: Monday, October 31, 2005 4:19 PM
To: McNally, Edward
Cc: Sherman, Liza H.; Tosi, Liza
Subject: Re: Wilk Deposition

Ed -

Please be advised that we are not in a position to appear with Mr. Wilk for his deposition tomorrow.

We are at a loss to understand your lack of cooperation on this matter. I advised you by voice mail this morning that certain confidential issues arose recently with respect to our client's engagement of Mr. Wilk; that, as a result, we may not be able to call him as an expert witness in this case; and that, under such circumstances, his deposition may prove unnecessary and a waste of the parties' time and money.

We will continue to work on this diligently in the next couple of days and, if those issues are resolved, we will promptly re-schedule the deposition.

David.

>>> "McNally, Edward" <emcnally@morrisjames.com> 10/31/05 12:02 PM >>>

David:

I did just get your call seeking to postpone the Wilk deposition on the basis that you may not use him as a witness. I cannot agree to your request. Therefore, I expect to go forward with that deposition tomorrow. Please advise me ASAP if the plaintiff intends to not produce Mr.. Wilk then.

Edward M.McNally
Morris, James, Hitchens & Williams LLP
222 Delaware Ave
Wilmington DE 19801
302-888-6880
emcnally@morrisjames.com

11/7/2005

To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Exhibit G



New York Times 10/07/2001

A Long-Shut Delaware Tower May Finally Reopen

By MAUREEN MILFORD

WILMINGTON, Del.

THE day after an arsonist set fire to the Delaware Trust Building in 1997, Richard E. Poole surveyed the destruction to his law offices and felt confident the firm's 150 lawyers, paralegals and support staff could return in a few days.

Water had warped the Philippine mahogany floors in the lobby of Potter, Anderson & Corroon and some offices were dripping like a rain forest. Yet, elsewhere, as was the case with Mr. Poole's own office, things were exactly as they had been the day before. The damage was manageable, the partners thought.

"How little did we know," said Mr. Poole, who headed the 175-year-old law firm during that period. "We probably didn't realize we would never go back until nine months to a year" had passed.

Nearly five years later, the 22-story Delaware Trust Building, built in 1920 by Alfred I. and William du Pont as part of their feud with cousins at E. I. de Nemours du Pont & Company, remains vacant. One of the largest buildings in the city, it has been caught in a tug of war between its owners and its insurers over the cost and scope of the cleanup and repairs.

In the weeks after the blaze in April 1997, environmental safety emerged as a major issue. Lawyers who retrieved files were required to wear safety clothing and respirators to protect against asbestos fibers dislodged during the fire. An environmental company had to be hired to decontaminate documents and furniture. Complicating matters was the fact the building had been declared a crime scene. In the end, nobody was ever arrested in the arson, and the investigation was finally closed last summer for lack of evidence.

"Nobody was hurt, and we were able to retrieve much of our material," Mr. Poole said. "But I know the disruptions we faced. Multiply that 10,000 times and that's what New York is facing."

Now it appears the Wilmington building could be back on the market by sometime next year. The environmental cleanup of the interior is nearing completion, said Pete Davisson, senior managing director in the Wilmington office of Insignia/ESG, the real estate services company, which is working with the building's owner, Didimoi Property Holdings of New York, a company controlled by the Angeloucisis family of Athens.

While some parts of the building were relatively unscathed by the fire itself, less obvious dangers were widespread. Asbestos, used as a fire retardant in building materials, was spread throughout the 550,000-square-foot building by water, smoke and soot. The huge amounts of water used to fight the fire that blazed for eight hours had drenched the carpet, electrical equipment and walls, creating a breeding ground for microbes.

Because indoor air pollution is a major occupational concern, Didimoi made the decision to gut the building down to the beams and decking. The insurance company paid for some of the cleanup, but the owners have covered much of bill as the litigation continues, said Jeffrey Rotwitt of the law firm of Obermayer, Rebmann, Maxwell & Hippel of Philadelphia, which represents Didimoi in its litigation against its insurer, the Cigna Insurance Company (now ACE USA).

Once an older building is damaged by fire, owners have to overcome perceptions among prospective tenants that the building is still contaminated by hazardous materials, said David J. Wilk, president of Grey stone Realty Advisors in Wilmington.

"For a damaged property to re-enter the market, the owners have to repair it to a level equal to or greater than the competition to avoid marketability problems," said Mr. Wilk, who worked with owners of the 38-story One Meridian Plaza in Philadelphia after it was devastated by fire in 1991.

That fire blazed for 18 hours, killed three firefighters and caused \$300 million in damage. Polychlorinated biphenyls and other toxins spread by firefighting efforts became a nagging issue once the fire was out. For seven years, the tower, a once-

prestigious address, sat vacant across the street from City Hall. Beginning in 1998, the building was demolished floor by floor over a period of nearly two years after the insurer and building owner settled long-running litigation over the cleanup.

"It was the worst office fire in history — until the World Trade Center," said Mr. Rotwitt, which represented Meridian's Dutch owners, E/R Associates.

MANY in Wilmington feared the Delaware Trust Building would suffer a fate similar to the Meridian building. For nearly three years, Delaware Trust sat idle as the owners and insurer fought over the extent of the damages. During that period the building had to be stabilized and monitored for environmental safety, said Lewis Morrison, compliance specialist with the Delaware Department of Natural Resources and Environmental Control.

When Didimoi began its cleanup, it decided to go beyond both federal and state standards for air pollutants. The building will meet the same rigorous air-quality standards that apply to school buildings, Mr. Morrison said. Experts say the building probably could have been cleaned to state and federal standards in less than a year. Instead, the owners chose to remove all asbestos, carpet, walls, wires and doors.

On the interior, "it's down to the concrete and steel," Mr. Morrison said. "It looks as if it was just built."

Meanwhile, the insurance dispute is expected to go to trial in federal court in Delaware. Unable to reach an agreement on such things as the loss of rental income and the cost to repair the building, Didimoi and the insurer sued each other in 1999.

Didimoi and the General Electric Capital Corporation, which holds the mortgage, say the loss is roughly \$92 million. ACE has rejected that as excessive and beyond the maximum coverage of \$76 million. The building owner maintains that the policy provides for an additional \$10 million to cover increased costs of bringing the building up to current building codes as well as another \$5 million for debris removal. A trial is scheduled for April.

Owners of the Delaware Trust Building are facing another challenge: a soft market. A year ago, space was so tight that the city's law firms, the second biggest users of office space behind

the big corporations, were finding it difficult to expand.

With the downturn in the economy, the vacancy rate has shot up to 19.3 percent for both top-of-line buildings and older space, Mr. Davisson said. By next year, roughly 1.5 million square feet of office space is expected to be available, including the Delaware Trust Building and the Nemours Building, a former DuPont building that has been completed renovated for offices and apartments by a private developer.

Altogether, Wilmington has about 5.1 million square feet of all classes of office space, not including buildings owned and occupied by corporations.

"If you look at the normal absorption rates, we have several years worth of office space," said Kevin McGonegal, vice president of Bellevue Realty in Wilmington.

Mr. Davisson said he expected the owners would be making some "aggressive deals," offering rates below the \$18.48 per square foot average annual rents for older buildings.

Built in phases beginning in 1920, the building was the headquarters for the political and financial machine run by Alfred du Pont, one of the three cousins who created the modern DuPont company.

After Pierre S. du Pont ousted Alfred in 1916, Alfred and a cousin, William, joined forces to buy the Delaware Trust Company. Besides needing a home for the bank, the du Pont cousins wanted to build what was then considered a skyscraper to lure two DuPont spinoffs — Hercules Inc. and the Atlas Powder Company (ancestor of the AstraZeneca) — from Philadelphia to Wilmington.

The bank's name disappeared in 1996, when its owner, Meridian Bancorp, was acquired by the CoreStates Financial Corporation. The office tower, however, continues to be known as the Delaware Trust Building.

According to Marquis James in his 1941 book "Alfred I. du Pont, the Family Rebel," the building "almost filled with tenants as soon as it opened; it returned a profit even in the hard times prevailing.

"And for Alfred there was another satisfaction. He could go to the roof and look down on the mere 12-story DuPont Building

a block away."

Contact

Name:

Phone: